

REMARKS

Reconsideration of this application as amended is respectfully requested.

In the Office Action, claims 1-21, 25-65, 69-84, 86-97 are pending and rejected.

In this response, no claim has been cancelled. The applicants reserve the right to reintroduce the original claims at a later date, if desired. Claims 1, 25, 27, 34, 35, 36 and 69 are amended. No new matter has been added. Thus, claims 1-21, 25-65, 69-84, 86-97 remain pending.

35 U.S.C. §112 Rejection

Claim 1 is rejected under 35 U.S.C. §112 first paragraph, as failing to comply with the written description requirement. Claim 1 is amended with sufficient support from the specification. Applicants respectfully submit that the rejection is moot in view of the amendment, and respectfully request for the withdrawal of the above rejection.

35 U.S.C. §103 Rejection

Claims 1-21, 25-65, 69-84, and 86-97 are rejected under 35 U.S.C. §103(a) as being unpatentable over Siann et al. (US Patent Application No. 2003/0120541, hereinafter "*Siann*").

Siann apparently teaches a method and device for electronically providing electronic media content and advertising content includes a media player and electronic media content from an electronic media content provider. The media player is electronically provided with the electronic media content via a first method of transmission. The media player is also electronically provided with advertising content, from an advertising content provider, via a second method of transmission. If necessary, the electronic media content is decrypted by the media player prior to the electronic media content being provided to the user. The media player electronically determines when advertising is to be played on the media player. Additionally, according to an embodiment, when the media player is disconnected from the first method of transmission, and the media player ceases to receive electronic media content via the first method

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of transmission, the media player is electronically provided with advertising content via the second method of transmission. (Abstract).

Applicants respectfully submit that *Siann* does not teach or suggest all pending claims limitations. In particular, independent claims 1, 25, 27, 34, 35, 36, and 69 substantially recite **generating an activation code or a signature based on information obtained from a playback device**. According to *Siann*, its "access data" refers to "data, for example decryption keys, that is used to ensure that a media player can decode secured electronic media contents." (*Siann* paragraph [0039]); and its "access rules" refer to criteria that is used by the media player to determine if the media player should be disabled from playing electronic media content." (*Siann* paragraph [0040]) *Siann* discloses transmitting the "access data" and/or "access rules" "from the provider of electronic media content to a coordination system," and later "to the media player." (*Siann* paragraph [0099]) However, the paragraphs cited in the Office Action do not disclose generating these access data or access rules. Nor do these paragraphs disclose generating the access data or access rules based on information obtained from its media player. Therefore, *Siann* does not teach or suggest generating an activation code based on information obtained from a playback device, as substantially recited in independent claims 1, 25, 27, 34, 35, 36, and 69.

Further, independent claim 1 recites "verifying the text-based activation code against the information obtained from the playback device." The paragraphs cited in the Office Action do not disclose that *Siann* verifies its access data or access rules against the same information used for generating these access data or access rules. Therefore, *Siann* does not teach or suggest "verifying the text-based activation code against the information obtained from the playback device," as recited in independent claim 1.

Accordingly, Applicants respectfully submit that *Siann* cannot render obvious Applicants' independent claims 1, 25, 27, 34, 35, 36, and 69, or any other pending claims by virtue of their dependency on the above independent claims. Thus, Applicant respectfully requests the withdrawal of the rejection of the above claims under 35 U.S.C. 103(a).

Conclusion

A Notice of Allowance is therefore respectfully requested. Should the Examiner find that a telephone or in-person conference would expedite the prosecution of this Application further, he is invited to contact the Applicants' counsel at the contact listed below for such a conference.

Please charge any deficiency in fees or credit any overpayment to our Deposit Account No. 50-2207, from which the undersigned is authorized to draw.

Respectfully submitted,
Perkins Coie LLP

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